

REMARKS

Claims 11, 16, 19, 23, 24, 27, 29, 31, 32, 34 -38 are pending. The Office Communication mailed 21 May 2010 rejects claims 11, 16, 19, 23, 24, 27, 29 31 and 32 over Swales (U.S. 6,321,272) in view of Lindner (U.S. 6,640,140). Claims 34-38 are also rejected under Section 103 over Swales in view of Lindner.

Applicants question the Examiner as to how the rejection of independent claims 11 and 29 can be sustained when the prior art does not at all relate to the provisions:

Claim 11: Internet protocols are provided and used for communication between the software modules of the web server and for communication between the software modules and components outside of the web server ...

Claim 29: Internet protocols are provided and used for communication between the software modules in the web server ...

The argument in the office action again makes note of well known prior art in a different context than that which is claimed. That is, col. 1, lines 56-61 of Swales merely describes general purpose network protocols, and col. 4, lines 6-7 of Swales discusses well-known use of Internet Protocol for communications between client and server.

Applicants suggest that the Examiner cannot identify in Figure 1 of the Swales reference two software modules (both in the web server) between which internet protocols are used for communication. If the Examiner disagrees, then it is incumbent on the Examiner to provide argument to the contrary.

Further, with regard to both claims 11 and 29, the rejection cites Figure 3 of Swales for illustration of a server module - but applicants ask of the Examiner, "Where is the 'expansion module' which is recited as being part of the claimed web server? Although reference is made to Linder, the illustrated Web Server does not include an expansion module and the ladder scan functionality does not meet the terms of the claims, i.e., it is not an expansion module in the web server and it does not appear to provide the functionality of an expansion module. For at least these reasons the rejection of independent claims 11 and 29 must be withdrawn.

With regard to the rejection of independent claim 34, applicants require:

1. that the at least one automation module includes direct access to a real-time Ethernet via a further connection
2. a real-time Ethernet connection between the TCP/IP stack of the web server and a TCP/IP stack of an automation device

Applicants suggest that the rejection is in error for failure to show two TCP/IP stacks - one for the server and one for the automation device. The citation at col. 3, line 65 - col. 4 line 14 does not provide any indication that the device 23c of Figure 1 includes a TCP/IP stack. To place the citation in proper context the Examiner is referred to col. 3, lines 44 - 64 which only discuss the TCP/IP stack 33. For these reasons the rejection of claim 34 is in error and should be withdrawn.

With regard to the rejection of independent claim 38 (amended), the at least one automation module includes a second connection for directly accessing a real-time communication level of a real-time Ethernet. The at least one automation module includes a second connection for directly accessing a real-time communication level of a real-time Ethernet through the TCP/IP stack of the web server. This feature is absent from the prior art.

If the Examiner disagrees that the claims are fully distinguished by the above-noted features, the Examiner is requested to carry the burden of expressly stating a prima facie case of obviousness. The Examiner must withdraw the rejection based on an inability of the prior art to provide full and complete support for a prima facie case of obviousness.

Please proceed to the next page.

Conclusion

For all of the above reasons all of the rejections should be removed and the application should be passed to allowance. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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